

UNITED STATES BANKRUPTCY COURT

NORTHERN DISTRICT OF ILLINOIS

Eastern Division

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|--------------------|---|-----------------------------|
| In Re: |) | BK No.: 19-36181 |
| Richard A Kozarits |) | |
| Kimberly Kozarits |) | Chapter: 13 |
| |) | Honorable Deborah L. Thorne |
| |) | |
| |) | |
| Debtor(s) |) | |

**ORDER ON CREDITOR'S MOTION TO APPROVE AMENDED AGREED ORDER
RESOLVING CREDITOR FIFTH THIRD BANK, NATIONAL ASSOCIATION'S MOTION
FOR RELIEF FROM STAY FOR PROPERTY LOCATED AT 8S336 VINE STREET,
HINSDALE, IL 60521**

This matter coming to be heard on the Motion to Approve Amended Agreed Order which was filed in this court by Fifth Third Bank, National Association ("Creditor"), Creditor and Richard A Kozarits and Kimberly Kozarits (collectively, "Debtor"), by and through their attorneys have agreed to a course of action which will condition the continuation of the automatic stay upon certain provisions incorporated herein for the protection of Creditor;

Debtor failed to make regular monthly mortgage payments to Creditor and is currently in default for the months of November 2021 through May 2022, incurring a total post-petition arrearage of \$31,492.69, which consists of 7 post-petition payments for November 1, 2021 through May 1, 2022 at \$4,484.67 each and attorney fees and costs of \$100.00 for the Notice of Default. There is \$2,932.50 in post-petition suspense reducing the post-petition default to \$28,560.19.

IT IS ORDERED that:

1. This Amended Agreed Order amends the previous Agreed Order resolving the Motion for Relief from Stay entered on May 18, 2021 at docket number 71.

2. In order to partially eliminate the post-petition delinquency, Debtor agrees to submit to Creditor and Creditor agrees to accept a lump sum payment in the amount of \$5,500.00 on or before May 15, 2022 reducing the post-petition delinquency to \$23,060.19.

3. In order to eliminate the post-petition delinquency, Creditor must receive the following payments by the corresponding dates:

- a. \$1,921.71 on or before June 20, 2022;
- b. \$1,921.68 on or before July 20, 2022;
- c. \$1,921.68 on or before August 20, 2022;
- d. \$1,921.68 on or before September 20, 2022;
- e. \$1,921.68 on or before October 20, 2022;
- f. \$1,921.68 on or before November 20, 2022;
- g. \$1,921.68 on or before December 20, 2022;
- h. \$1,921.68 on or before January 20, 2023;
- i. \$1,921.68 on or before February 20, 2023;
- j. \$1,921.68 on or before March 20, 2023;
- k. \$1,921.68 on or before April 20, 2023;

l. \$1,921.68 on or before May 20, 2023.

4. Creditor must receive the payments listed in Paragraph #2 and Paragraph #3 on or before the corresponding date. If Debtor fails to pay any scheduled payment detailed above Creditor will send Debtor and their attorney a Notice of Default. If the Debtor fails to bring the loan post-petition current within ten (10) calendar days after mailing notification to the Debtor and their attorney, the stay will be automatically terminated as to Creditor, its principals, agents, successors and/or assigns as to the subject property, upon filing a Notice of Failure to Comply with Order with the clerk of the court.

5. Debtor must continue to make timely post-petition mortgage payments directly to Creditor beginning June 1, 2021.

6. Creditor must receive ongoing post-petition mortgage payments on or before the date in which the payment is due. If Debtor fails to pay any scheduled payment, Creditor will send Debtor and their attorney a Notice of Default. If the Debtor fails to bring the loan post-petition current within ten (10) calendar days after mailing notification to the Debtor and their attorney, the stay will be automatically terminated as to Creditor, its principals, agents, successors and/or assigns as to the subject property, upon filing a Notice of Failure to Comply with Order with the clerk of the court.

7. If Creditor has to send a Notice of Default, the Debtor shall pay \$100.00 per notice, as attorney fees, in addition to whatever funds are needed to cure the default prior to the expiration of the allowed cure period.

8. If this bankruptcy proceeding is converted to Chapter 7, dismissed or discharged, this Order shall be terminated and have no further force or effect.

/s/Todd J Ruchman
Attorney for Creditor

/s/Michelle Mandriou
Attorney for Debtor

Enter:



Honorable Deborah L. Thorne
United States Bankruptcy Judge

Dated: May 25, 2022

Prepared by:

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